



CONGRESSIONAL HISPANIC CAUCUS
Michelle Lujan Grisham | Chairwoman
115TH CONGRESS

April 26, 2018

The Honorable Jeff Sessions
Attorney General
Department of Justice
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530

The Honorable James McHenry
Director
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 1902
Falls Church, Virginia 22041

Dear Attorney General Sessions and Director McHenry:

As Members of Congress we write to express our collective concerns regarding the U.S. Department of Justice's ("Department") announcement to implement production quotas and case completion deadlines in performance evaluations for Immigration Judges. The proposed changes would require immigration judges to complete 700 cases a year in order to obtain a "satisfactory" rating.

We strongly urge the Department to reconsider this shortsighted plan that will undermine due process and adversely impact our nation's immigration court system. In fact, this proposal will likely worsen, not improve, the immigration court backlog of 685,000 current pending cases by resulting in protracted litigation through the appeals process, which would directly undercut the Department's stated efforts to reduce the backlog, nearly half of which are asylum cases. Immigration judges have already voiced their concern about this proposal. According to the National Association of Immigration Judges (NAIJ), "it's our belief that such measures will undermine the public's faith in the fairness of our courts, leading to a huge increase in appeals and legal challenges that in turn will create crippling delays in our already overburdened immigration courts and flood the federal courts of appeal as well."¹

Immigration judges go through an extensive hiring process that can take up to one to two years. These judges have extensive expertise and experience so that they work in an efficient and fair manner. To ensure the integrity of the judicial system, judges should be given the independence to rule on the merits of a case instead of being pressured to rule quickly. Moreover, given the sensitive nature of many of these cases, creating an environment where the courts care more about resolving cases speedily rather than accuracy and precedence will weaken due process and result in more deportations, which could carry life-or-death consequences.

While we understand that there is a need to address our immigration backlog, imposing performance quotas is not the solution. Alternatively, we need to ensure that our immigration courts are adequately funded and provided with the appropriate resources to operate effectively.

¹ NAIJ "Strenuously Opposes" Proposed Quotas and Completion Deadlines Announced by DOJ. AILA Doc. No. 18040433. <http://www.aila.org/infonet/naij-strenuously-opposes-proposed-quotas>, April 3, 2018.

On average, according to an NAIJ report, "an immigration judge completes more than 1,500 cases per year, with a ratio of one law clerk for every four judges."² That is three times the caseload from district court judges. It is the persistent lack of resources, not the efficiency of a judge's rulings that has pushed the system to a breaking point.

This recent directive will adversely affect productivity, efficiency and morale in our immigration court system. We therefore call on the Department to reverse this decision and await your response on this matter.

Sincerely,


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MEMBER OF CONGRESS


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MEMBER OF CONGRESS



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² National Association of Immigration Judges, Statement of NAIJ Before Senate Committee on the Judiciary on "Improving Efficiency and Ensuring Justice in the Immigration Court System". https://www.naij-usa.org/images/uploads/publications/Senate-Improving_Efficiency_and_Ensuring_Justice_in_the_Immigration_Court_System_5-18-11.pdf, May 18, 2011.


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